

**EIGHTY-NINTH GENERAL ASSEMBLY
2022 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

May 2, 2022

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 529</u>	<u>H-8369</u>		RECEIVED FROM THE SENATE
<u>SF 581</u>	<u>H-8368</u>		RECEIVED FROM THE SENATE

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 529

H-8369

1 Amend the House amendment, S-3175, to Senate File 529, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 1, through page 2, line 20, and
4 inserting:

5 <Amend the Senate File 529, as passed by the House, as
6 follows:

7 1. By striking everything after the enacting clause and
8 inserting:

9 <Section 1. NEW SECTION. 714I.1 Short title.

10 This chapter shall be known and may be cited as the "*Fraud*
11 *in Assisted Reproduction Act*".

12 Sec. 2. NEW SECTION. 714I.2 Definitions.

13 For purposes of this chapter, unless the context otherwise
14 requires:

15 1. "*Assisted reproduction*" means a method of causing
16 pregnancy other than sexual intercourse involving medical or
17 scientific intervention.

18 2. "*Donor*" means an individual who provides gametes
19 intended for use in assisted reproduction, whether or not for
20 consideration.

21 3. "*Gamete*" means a sperm, an egg, or any part of a sperm
22 or an egg.

23 4. "*Health care professional*" means a person who is
24 licensed, certified, or otherwise authorized or permitted by
25 the law of this state to administer health care in the ordinary
26 course of business or in the practice of a profession.

27 5. "*Health facility*" means a hospital, clinic, sperm bank,
28 laboratory, or other health care institution involved in the
29 assisted reproduction process.

30 6. "*Human reproductive material*" means a human gamete or a
31 human organism at any stage of development from fertilized ovum
32 to embryo.

33 7. "*Live birth*" means the same as defined in section 144.1.

34 8. "*Patient*" means a person who has received or is receiving
35 health services from a health care professional.

1 9. "*Spouse*" means the spouse of a patient who undergoes
2 assisted reproduction at the time of conception, birth, or at
3 any time during the period between conception and birth of a
4 child through assisted reproduction.

5 Sec. 3. NEW SECTION. 714I.3 **Prohibited practices and acts.**

6 1. A person shall not engage in a practice or act the
7 person knows or reasonably should have known provides false
8 information to a patient related to an assisted reproduction
9 procedure or treatment including false information relating to
10 any of the following:

11 a. The human reproductive material used or provided for
12 assisted reproduction.

13 b. The identity of a donor of human reproductive material
14 used or provided for assisted reproduction including but not
15 limited to the donor's name, birthdate, or address at the time
16 of donation.

17 c. A donor's medical history including but not limited to an
18 illness of the donor at the time of donation, any past illness
19 of the donor, or the social, genetic, or family history of the
20 donor.

21 2. A health care professional or a health facility shall not
22 knowingly or intentionally do any of the following:

23 a. Use or provide a patient with human reproductive material
24 for assisted reproduction other than that to which the patient
25 expressly consented in writing.

26 b. Use or provide a patient with human reproductive material
27 for assisted reproduction that is not provided with the donor's
28 consent or in a manner or to an extent other than that to which
29 the donor consented.

30 3. It is not a defense to a violation of this section that
31 a patient expressly consented in writing to the use of human
32 reproductive material from an anonymous donor.

33 4. A violation of this section by a health care professional
34 or health facility constitutes grounds for denial of an
35 application for, denial of renewal of, or revocation of any

1 license, permit, certification, or any other form of permission
2 required to practice a profession or establish, conduct, or
3 maintain a facility regulated by the state. A violation
4 of this section by a health care professional constitutes
5 unprofessional conduct.

6 Sec. 4. NEW SECTION. 714I.4 Private right of action —
7 damages.

8 1. A cause of action for damages against any person in
9 violation of section 714I.3, subsection 2, may be brought in
10 accordance with the following:

11 a. (1) (a) By the patient or the spouse of the patient,
12 if the patient conceives and gives birth to a child through
13 assisted reproduction in violation of section 714I.3,
14 subsection 2.

15 (b) By a child born as the result of being conceived
16 through assisted reproduction in violation of section 714I.3,
17 subsection 2, if the patient who conceived and gave birth to
18 such child or the patient's spouse is deceased or is otherwise
19 unable to bring such cause of action.

20 (2) A patient, or the spouse of the patient, has a separate
21 cause of action under this paragraph "a" for each conception
22 and birth of a child through assisted reproduction performed in
23 violation of section 714I.3, subsection 2.

24 b. (1) By the patient or the spouse of the patient, if the
25 patient conceives through assisted reproduction in violation
26 of section 714I.3, subsection 2, but the conception does not
27 result in the live birth of the child.

28 (2) A cause of action is barred under this paragraph "b"
29 if the conception does not result in a live birth because of
30 an induced termination of pregnancy required to be reported
31 pursuant to section 144.29A or because the patient or the
32 patient's spouse intentionally terminates the pregnancy in
33 violation of section 707.7.

34 2. A cause of action for damages may be brought by a donor
35 whose human reproductive material resulted in the conception

1 or conception and birth of a child conceived through assisted
2 reproduction in violation of section 714I.3 or whose human
3 reproductive material was used without the donor's consent or
4 in a manner or to an extent other than that to which the donor
5 consented in violation of section 714I.3.

6 3. In addition to compensatory or punitive damages, a
7 prevailing plaintiff who brings an action under subsection 1,
8 paragraph "a", is entitled to all of the following:

9 a. (1) If the health care professional used the health care
10 professional's own human reproductive material for assisted
11 reproduction in violation of section 714I.3, subsection 2,
12 the health care professional is determined through blood or
13 genetic testing to be a biological parent as defined in section
14 600A.2 of the child, and the action is brought within the time
15 limitations specified in section 614.8, damages in an amount
16 that is the sum of all of the following:

17 (a) The basic support obligation prescribed by the child
18 support guidelines established pursuant to section 598.21B
19 based on the health care professional's monthly adjusted net
20 income for the time period specified for support for a child
21 under section 598.1, subsection 9.

22 (b) Medical support as defined in section 252E.1.

23 (c) A postsecondary education subsidy as defined in section
24 598.1.

25 (d) Such other sums as described in section 252A.3,
26 subsection 12, giving due regard to the circumstances of the
27 plaintiff.

28 (2) A determination that the health care professional is a
29 biological parent of the child or the awarding of damages under
30 this paragraph "a" does not create a parent-child relationship
31 between the child and the health care professional for any
32 legal purpose.

33 b. Statutory damages in the amount of two hundred thousand
34 dollars. Such damages shall be awarded to the prevailing
35 plaintiff regardless of whether the child born as the result of

1 being conceived through assisted reproduction in violation of
2 section 714I.3, subsection 2, is deceased at the time the civil
3 action is commenced or at the time a violation is found.

4 *c.* Costs attributable to the assisted reproduction procedure
5 or treatment process.

6 *d.* Court costs.

7 *e.* Reasonable attorney fees.

8 4. In addition to compensatory or punitive damages, a
9 prevailing plaintiff who brings an action under subsection 1,
10 paragraph "b", is entitled to all of the following:

11 *a.* Statutory damages in the amount of five thousand dollars.

12 *b.* Costs attributable to the assisted reproduction procedure
13 or treatment process.

14 *c.* Court costs.

15 *d.* Reasonable attorney fees.

16 5. In addition to compensatory or punitive damages, a
17 prevailing plaintiff who brings an action under subsection 2 is
18 entitled to all of the following:

19 *a.* Statutory damages in the amount of five thousand dollars.

20 *b.* Court costs.

21 *c.* Reasonable attorney fees.

22 6. Notwithstanding any provision of law to the contrary,
23 an action brought pursuant to this section is not subject to a
24 statute of limitations and may be commenced at any time.

25 Sec. 5. Section 147.55, Code 2022, is amended by adding the
26 following new subsections:

27 NEW SUBSECTION. 7A. Sexual abuse in the fourth degree in
28 violation of section 709.4A.

29 NEW SUBSECTION. 7B. Fraud in assisted reproduction in
30 violation of section 714I.3.

31 Sec. 6. Section 692A.102, subsection 1, paragraph c, Code
32 2022, is amended by adding the following new subparagraph:

33 NEW SUBPARAGRAPH. (012) Sexual abuse in the fourth
34 degree in violation of section 709.4A, subsection 3, if the
35 perpetrator is a health care professional as defined in section

1 714I.2, who used the health care professional's own human
2 reproductive material for assisted reproduction in violation of
3 section 714I.3, subsection 2.

4 Sec. 7. NEW SECTION. 709.4A Sexual abuse in the fourth
5 degree — health care professionals.

6 1. A health care professional commits sexual abuse in
7 the fourth degree when the health care professional uses
8 or provides a patient with human reproductive material for
9 assisted reproduction other than that to which the patient
10 expressly consented in writing in violation of section 714I.3,
11 subsection 2.

12 2. Sexual abuse in the fourth degree is an aggravated
13 misdemeanor.

14 3. a. Notwithstanding subsection 2, sexual abuse in
15 the fourth degree is a class "D" felony if the health care
16 professional uses or provides the health care professional's
17 own human reproductive material for assisted reproduction in
18 violation of section 714I.3, subsection 2.

19 b. A parent-child relationship between a child and a health
20 care professional is not created for any legal purpose when
21 the child is born as the result of being conceived through
22 commission of sexual abuse in the fourth degree as described
23 in this subsection.

24 4. For the purposes of this section, *"assisted*
25 *reproduction"*, *"gamete"*, *"health care professional"*, *"human*
26 *reproductive material"*, and *"patient"* mean the same as defined
27 in section 714I.2.

28 Sec. 8. NEW SECTION. 802.2E Sexual abuse — fourth degree.

29 An information or indictment for sexual abuse in the fourth
30 degree may be commenced at any time after the commission of the
31 offense.>>

SENATE AMENDMENT TO HOUSE AMENDMENT TO
SENATE FILE 581

H-8368

1 Amend the House amendment, S-5121, to Senate File 581, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. By striking page 1, line 9, through page 2, line 5.

4 2. Page 2, by striking lines 7 through 12.

5 3. Page 2, after line 13 by inserting:

6 <Sec. _____. Section 483A.24, subsection 3, unnumbered
7 paragraph 1, Code 2022, is amended to read as follows:

8 The director shall provide up to ~~seventy-five~~ one hundred
9 twenty-five nonresident deer hunting licenses for allocation
10 as provided in this subsection.

11 Sec. _____. Section 483A.24, subsection 3, paragraph b, Code
12 2022, is amended to read as follows:

13 b. ~~Twenty-five~~ Seventy-five of the nonresident deer hunting
14 licenses shall be allocated as provided in subsection 5.

15 Sec. _____. Section 483A.24, subsection 5, unnumbered
16 paragraph 1, Code 2022, is amended to read as follows:

17 ~~Twenty-five~~ Seventy-five of the nonresident deer hunting
18 licenses ~~and wild turkey hunting licenses~~ allocated under
19 ~~subsections 3 and 4~~ subsection 3 and twenty-five of the wild
20 turkey hunting licenses allocated under subsection 4 shall be
21 available for issuance to nonresidents who have served in the
22 armed forces of the United States on active federal service and
23 who were disabled during the veteran's military service or who
24 are serving in the armed forces of the United States on active
25 federal service and have been disabled during military service
26 to enable the disabled person to participate in a hunt that is
27 conducted by an organization that conducts hunting experiences
28 in this state for disabled persons. The licenses shall be
29 issued as follows:>

30 4. Page 2, line 29, by striking ~~<straight wall cartridge~~
31 rifle> and inserting <any handgun or rifle described in section
32 481A.48>

33 5. By renumbering, redesignating, and correcting internal
34 references as necessary.

H-8368 (Continued)

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